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JUL 03 2012

In re Patent No. 6,367,874  
Issue Date: April 09, 2002  
Application No. 09/775,734  
Filed: April 02, 2001  
Attorney Docket No. 0104

OFFICE OF PETITIONS  
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed February 27, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is DISMISSED.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is not a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

This petition lacks item (1) above.

A petition to accept an unintentionally delayed payment of a maintenance fee must be filed within twenty-four months after the date of expiration. The patent expired April 09, 2006, the petition was not

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filed until February 27, 2012, which is six years after the date of expiration. Therefore the petitioner is not eligible to file under the provisions of 37 CFR 1.378 (c).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                  Mail Stop PETITION  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                  U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-4231.

/Michelle R. Eason/  
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Paralegal Specialist  
Office of Petitions